



UNITED STATES PATENT AND TRADEMARK OFFICE

mn
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,524	07/16/2003	Takafumi Ueno	P23974	7475
7055 7590 06/28/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER TO, BAOTRAN N	
			ART UNIT 2135	PAPER NUMBER
			NOTIFICATION DATE 06/28/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary	Application No. 10/619,524	Applicant(s) UENO, TAKAFUMI	
	Examiner Bao tran N. To	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-21(Canceled) ~~is/are withdrawn from consideration.~~
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Docketing

1. Please note that the application has been re-docketed to a different examiner. Please refer all future communications regarding this application to the examiner of record using the information supplied in the final section of the Office action.

This Office action is responsive to the Applicant's Amendment filed 04/16/2007.

Claims 1-21 are canceled.

Claims 22-42 are newly added.

Response to Arguments

2. Applicant's arguments filed 04/16/2007 have been fully considered but they are not persuasive.

Applicant argues, "That is, as explained above, KUBOTA does not multiplex a PID table or produce and multiplex a control graph, and there would not be any proper motivation to modify KUBOTA to multiplex a tool list or to produce and multiplex a control graph. Accordingly, new claim 22 is allowable at least for the reasons set forth above (Page 5 of Remarks).

Examiner respectfully disagrees with applicant. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota in view of Valenci and further in view of Blatter.

First of all, Kubota explicitly discloses a tool list generator (see col. 8, lines 40-46) that produces a tool list containing a tool identification (see Fig. 4, col. 8, lines 47-

51, PID Value) indicating a decoding tool (see Fig. 4; col. 8, lines 61-65, scramble key) for decrypting the first encrypted data (see Fig. 4; col. 9, lines 6-9).

Second, Valenci expressly discloses a control graph generator (see pg. 3, ¶ [0028], Base Agent) that produces a control graph (see pg. 1, ¶ [0002] & ¶ [0003]; pg. 3, ¶ [0030], SA Table) indicating the instantiated location of the decoding tool in the receiving apparatus (see pg. 3, ¶ [0030], "base agent uses the pointer associated with a packet to access crypto information necessary to perform crypto operations on data packets").

Third, Blatter discloses a rights information generator (see col. 11, lines 39-49; col. 13, lines 9-25) that produces rights information (see Fig. 4; col. 13, lines 9-25) for the first encrypted data (see col. 11, lines 32-34, "encrypted broadcast program").

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the control graph generator as Valenci for if the control graph is lost, missing or unable to be added, the receiving apparatus will be unable to process data packets (see pg. 3, ¶ [0030]), and the rights information generator as Blatter for the purpose of billing the user for use of an encrypted broadcast program (see Blatter col. 11, lines 25-34).

Applicant further argues, "That is, as described above, there is no proper motivation to modify KUBOTA to include at least the numerous above-noted features of

independent claims 22 and 23 which are not disclosed by KUBOTA" (Page 6 of Remarks).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kubota's reference, Valenci's reference and Blatter's reference are analogous arts. They specifically disclose how to transmit the transport stream packets that can support the motivation to combine Kubota's reference, Valenci's reference and Blatter's reference to establish the limitations of Claim 22 that provides cryptography operations on secure traffic data packets (Valenci, Abstract). Furthermore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the control graph generator as Valenci for if the control graph is lost, missing or unable to be added, the receiving apparatus will be unable to process data packets (see pg. 3, ¶ [0030]), and the rights information generator as Blatter for the purpose of billing the user for use of an encrypted broadcast program (see Blatter col. 11, lines 25-34).

For at least the above reasons, it is believed that the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-34 and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota et al., (U.S. Patent No. 7,023,992) in view of Valenci et al., (U.S.P.G. Pub. 2003/0005279) and further in view of Blatter et al., (U.S. Patent No. 5,878,135).

With the respect to claim 22, Kubota reference discloses:

an encryptor (see col. 2, lines 27-29; col. 5, lines 32-36) that encrypts data and produces first encrypted data (see col. 6, lines 3-10);

a program-specific information generator (see col. 8, lines 17-20) that produces program-specific information containing a table (see Fig. 11; col. 8, lines 21-29; col. 16, lines 29-34, "program specific information") denoting the correlation between first encrypted data and a program number of the first encrypted data (see col. 8, lines 21-29; col. 16, lines 35-50);

a tool list generator (see col. 8, lines 40-46) that produces a tool list containing a tool identification (see Fig. 4, col. 8, lines 47-51, PID Value) indicating a decoding tool (see Fig. 4; col. 8, lines 61-65, scramble key) for decrypting the first encrypted data (see Fig. 4; col. 9, lines 6-9);

multiplexer (see Fig. 1, MUX; col. 2, lines 21-23) that multiplex the first encrypted data (see col. 2, lines 25-29), program-specific information (see col. 8, lines 21-29), tool list (see col. 8, lines 47-51), control graph (see col. 8, lines 8-11).

Kubota reference doesn't explicit teach: a control graph generator that produces a control graph indicating the instantiated location of the decoding tool in the receiving apparatus; and a rights information generator that produces rights information for the first encrypted data;

Valenci reference teaches:

a control graph generator (see pg. 3, ¶ [0028], Base Agent) that produces a control graph (see pg. 1, ¶ [0002] & ¶ [0003]; pg. 3, ¶ [0030], SA Table) indicating the instantiated location of the decoding tool in the receiving apparatus (see pg. 3, ¶ [0030], "base agent uses the pointer associated with a packet to access crypto information necessary to perform crypto operations on data packets");

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the control graph generator for if the control graph is lost, missing or unable to be added, the receiving apparatus will be unable to process data packets (see pg. 3, ¶ [0030]).

Blatter reference teaches: a rights information generator (see col. 11, lines 39-49; col. 13, lines 9-25) that produces rights information (see Fig. 4; col. 13, lines 9-25) for the first encrypted data (see col. 11, lines 32-34, "encrypted broadcast program");

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the rights information generator as Blatter for the purpose of billing the user for use of an encrypted broadcast program (see Blatter col. 11, lines 25-34). The combination would include the multiplexing of the rights information.

With the respect to claim 23, Kubota reference discloses:

an encryptor (see col. 2, lines 27-29; col. 5, lines 32-36) that encrypts data and produces first encrypted data (see col. 6, lines 3-10);

a tool list generator (see col. 8, lines 40-46) that produces a tool list containing a tool ID (see Fig. 4, col. 8, lines 47-51, PID Value) indicating a decoding tool (see Fig. 4; col. 8, lines 61-65, scramble key) for decrypting the first encrypted data (see Fig. 4; col. 9, lines 6-9);

a program-specific information generator (see col. 8, lines 17-20) that produces program-specific information containing the tool list (see Fig. 4, col. 8, lines 47-51), the control graph (see col. 8, lines 8-11, control commands); and a table (see Fig. 11; col. 8, lines 21-29; col. 16, lines 29-34, "program specific information") denoting the correlation between first encrypted data and a program number of the first encrypted data (see col. 8, lines 21-29; col. 16, lines 35-50);

a multiplexer (see Fig. 1, MUX; col. 2, lines 21-23) that multiplex the first encrypted data (see col. 2, lines 25-29), program-specific information (see col. 8, lines 21-29), tool list (see col. 8, lines 47-51), control graph (see col. 8, lines 8-11).

Kubota reference doesn't explicit teach: a control graph generator that produces a control graph indicating the instantiated location of the decoding tool in the receiving apparatus; and a rights information generator that produces rights information for the first encrypted data;

Valenci reference teaches:

a control graph generator (see pg. 3, ¶ [0028], Base Agent) that produces a control graph (see pg. 1, ¶ [0002] & ¶ [0003]; pg. 3, ¶ [0030], SA Table) indicating the instantiated location of the decoding tool in the receiving apparatus (see pg. 3, ¶ [0030], "base agent uses the pointer associated with a packet to access crypto information necessary to perform crypto operations on data packets");

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the control graph generator for if the control graph is lost, missing or unable to be added, the receiving apparatus will be unable to process data packets (see pg. 3, ¶ [0030]).

Blatter reference teaches: rights information generator (see col. 11, lines 39-49; col. 13, lines 9-25) that produces rights information (see Fig. 4; col. 13, lines 9-25) for the first encrypted data (see col. 11, lines 32-34, "encrypted broadcast program");

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the rights information generator as Blatter for the purpose of billing the

Art Unit: 2135

user for use of an encrypted broadcast program (see Blatter col. 11, lines 25-34). The combination would include the multiplexing of the rights information.

With the respect to claim 24, Kubota reference discloses:

a rights information transmitter that outputs the rights information (see Fig. 1, element 2; col. 5, lines 11-14 & 22-26, SMS);

wherein the multiplexer (see Fig. 1, MUX; col. 2, lines 21-23) outputs first encrypted data (see col. 2, lines 25-29) and program-specific information (see col. 8, lines 21-29).

With the respect to claim 25, Kubota & Blatter combination teaches wherein the rights information transmitter (see Kubota Fig. 1, col. 5, lines 11-14 & 22-26, SMS) relates the rights information to the data (see Blatter Fig. 4; col. 13, lines 9-25).

With the respect to claim 26, Kubota & Blatter combination teaches wherein the program-specific information generator (see Kubota col. 8, lines 17-20) relates the rights information to the data (see Blatter Fig. 4; col. 13, lines 9-25).

With the respect to claim 27, Kubota reference teaches wherein the multiplexer means (see Fig. 1, MUX col. 2, lines 21-23) multiplexes the decoding tool used for decryption (see Fig. 4; col. 8, lines 61-65, scramble key).

With the respect to claim 28, Kubota reference teaches wherein the multiplexer (see Fig. 1, MUX col. 2, lines 21-23) multiplexes key information enabling decryption (see Fig. 4; col. 8, lines 61-65, scramble key).

With the respect to claim 29, Kubota reference discloses:

a demultiplexer (see Fig. 23, element 22) that separates a multiplexed signal (see col. 23, lines 33-36) containing first encrypted data into at least the first encrypted data and program-specific information (see Fig. 11; col. 23, lines 33-38);

a tool list demultiplexor (see col. 23, lines 33-40; col. 23, lines 48-51) that separates a tool list having a tool ID (see col. 23 line 57- col. 24 line 2) indicating a decoding tool for decrypting the first encrypted data from the multiplexed signal (see Fig. 4, scramble key; col. 23, lines 35-43);

a first controller (see col. 23, lines 39-40) that acquires a tool according to a tool identification (see col. 23, lines 57-67, PID) acquired from the tool list, and instantiating the tool according to the control graph (see col. 23 line 60 - col. 24 line 2);

Kubota reference doesn't explicitly teach: a control graph demultiplexor that separates a control graph indicating the instantiated location of the decoding tool in the receiving apparatus from the multiplexed signal; and a rights information demultiplexor that demultiplexes rights information for the first encrypted data from the multiplexed signal; and a first rights manager that processes the first encrypted data according to the rights information.

Art Unit: 2135

Valenci reference teaches: control graph demultiplexor (see pg. 3, ¶ [0028], Base Agent) that separates a control graph (see pg. 1, ¶ [0002] & ¶ [0003]; pg. 3, ¶ [0030], SA Table) indicating the instantiated location of the decoding tool in the receiving apparatus from the multiplexed signal (see pg. 3, ¶ [0030], "base agent uses the pointer associated with a packet to access crypto information necessary to perform crypto operations on data packets");

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the control graph demultiplexer to indicate to the receiving system how to decrypt the data (see pg. 3, ¶ [0030]).

Blatter reference discloses: a rights information demultiplexor (see Fig. 1 element 115) that demultiplexes rights information (see col. 13, lines 9-26, copy protection data) for the first encrypted data from the multiplexed signal (see col. 14, lines 18-20, encrypted broadcast program);

a first rights manager (see Fig. 1 element 115; col. 11, lines 44-49, controller) that processes the first encrypted data according to the rights information (see col. 13, lines 9-26).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the rights information demultiplexing and first rights management as Blatter for the purpose of billing the user for use of an encrypted broadcast program (see Blatter col. 11, lines 25-34).

With the respect to claim 30, Kubota reference discloses:

a demultiplexer (see Fig. 23, element 22) that separates a multiplexed signal (see col. 23, lines 33-36) containing first encrypted data into at least the first encrypted data and program-specific information (see Fig. 11; col. 23, lines 33-38);

a tool list demultiplexor (see col. 23, lines 33-40; col. 23, lines 48-51) that separates a tool list having a tool ID (see col. 23 line 57- col. 24 line 2) indicating a decoding tool for decrypting the first encrypted data from the multiplexed signal (see Fig. 4, scramble key; col. 23, lines 35-43);

a first controller (see col. 23, lines 39-40) that instantiates a tool with a tool ID (see col. 23, lines 57-67, PID) acquired from the tool list according to the control graph (see col. 23 line 60 - col. 24 line 2);

Kubota reference doesn't explicitly teach: a control graph demultiplexor that separates a control graph indicating the instantiated location of the decoding tool in the receiving apparatus from the multiplexed signal; and a rights information demultiplexor that demultiplexes rights information for the first encrypted data from the program-specific information; and first rights manager that processes the first encrypted data according to the rights information.

Valenci reference teaches: a control graph demultiplexor (see pg. 3, ¶ [0028], Base Agent) that separates a control graph (see pg. 1, ¶ [0002] & ¶ [0003]; pg. 3, ¶ [0030], SA Table) indicating the instantiated location of the decoding tool in the receiving apparatus from the multiplexed signal (see pg. 3, ¶ [0030], "base agent uses

Art Unit: 2135

the pointer associated with a packet to access crypto information necessary to perform crypto operations on data packets");

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the control graph demultiplexer to indicate to the receiving system how to decrypt the data (see pg. 3, ¶ [0030]).

Blatter reference discloses: a rights information demultiplexor (see Fig. 1 element 115) that separates rights information (see col. 13, lines 9-26, copy protection data) for the first encrypted data from the program-specific information (see Fig. 4; col. 7, lines 56-59; col. 13, lines 27-35, CPSI); a first rights manager (see Fig. 1 element 115; col. 11, lines 44-49, controller) that processes the first encrypted data according to the rights information (see col. 13, lines 9-26).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the rights information demultiplexor and first rights manager as Blatter for the purpose of billing the user for use of an encrypted broadcast program (see Blatter col. 11, lines 25-34).

With the respect to claim 31, Kubota reference discloses:

a demultiplexer (see Fig. 23, element 22) that separates a multiplexed signal (see col. 23, lines 33-36) containing first encrypted data into at least the first encrypted data and program-specific information (see Fig. 11; col. 23, lines 33-38);

a tool list demultiplexor (see col. 23, lines 33-40; col. 23, lines 48-51) that separates a tool list having a tool ID (see col. 23 line 57- col. 24 line 2) indicating a decoding tool for decrypting the first encrypted data from the multiplexed signal (see Fig. 4, scramble key; col. 23, lines 35-43);

a first controller (see col. 23, lines 39-40) that instantiates a tool with a tool ID (see col. 23, lines 57-67, PID) acquired from the tool list according to the control graph (see col. 23 line 60 - col. 24 line 2);

Kubota reference doesn't explicitly teach: a control graph demultiplexor that separates a control graph indicating the instantiated location of the decoding tool in the receiving apparatus from the multiplexed signal; and a rights information demultiplexor that demultiplexes rights information for the first encrypted data from the program-specific information; and first rights manager that processes the first encrypted data according to the rights information.

Valenci reference teaches: a control graph demultiplexor (see pg. 3, ¶ [0028], Base Agent) that separates a control graph (see pg. 1, ¶ [0002] & ¶ [0003]; pg. 3, ¶ [0030], SA Table) indicating the instantiated location of the decoding tool in the receiving apparatus from the multiplexed signal (see pg. 3, ¶ [0030], "base agent uses the pointer associated with a packet to access crypto information necessary to perform crypto operations on data packets");

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota

invention include the control graph demultiplexer to indicate to the receiving system how to decrypt the data (see pg. 3, ¶ [0030]).

Blatter reference discloses:

rights information receiver (see Fig. 1 element 115) that receives rights information (see col. 13, lines 9-26, copy protection data) for the first encrypted data (see col. 11, lines 39-46); and

a first rights manager (see Fig. 1 element 115; col.11, lines 44-49, controller) that processes the first encrypted data according to the rights information (see col. 13, lines 9-26).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota invention include the rights information demultiplexer and first rights manager as Blatter for the purpose of billing the user for use of an encrypted broadcast program (see Blatter col. 11, lines 25-34).

With the respect to claim 32, Kubota reference teaches a temporary storage means (see col. 5, lines 59-63) for temporarily storing the received first encrypted data; and reading means for reading the first encrypted data stored to the temporary storage means (see col. 23, lines 33-36, demultiplexer).

One of ordinary skill understands a multiplexer/demultiplexer is capable to temporarily store information like encrypted data into its memory before its read and sent to other functions in the receiver device.

With the respect to claim 33, Kubota reference teaches a file manager (see conditional access system) that deletes from the temporary storage means the first encrypted data after the playback permit recorded in the rights information is expired (see col. 1, lines 33-44, pay-per-view).

With the respect to claim 34, Kubota reference teaches wherein the rights manager (see col. 11, lines 25-28, conditional access system) sends status information denoting the processing state of the first encrypted data (see col. 11, lines 28-36, billing information).

With the respect to claim 39, Kubota reference teaches wherein the first encrypted data (see col. 11, lines 32-34, encrypted broadcast program) is processed according to the first rights information (see col. 11, lines 39-46, copy protection data in the CPSI stream).

With the respect to claim 40, Blatter reference teaches a file manager that deletes the first encrypted data from the temporary storage means (see Blatter col. 11, lines 22-28; col. 11, lines 44-49) after sending it to a second receiving apparatus (see Blatter Fig. 1, element 105, storage medium).

With the respect to claim 41, Kubota reference teaches a video decoder (see Fig. 23, element 26V) that extracts and decodes video data from the multiplexed signal (see col. 23, lines 42-43).

With the respect to claim 42, Kubota reference teaches an audio decoder (see Fig. 23, element 26A) that extracts and decodes audio data from the multiplexed signal (see col. 23, lines 42-43).

4. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota, Valenci and Blatter as applied to claim 29 above, and further in view of Swix et al., (United States P.G. Pub. No. 2004/0250273).

With the respect to claim 35, Kubota, Valenci and Blatter combination doesn't explicitly teach a right manager that separates the rights information into first rights information and second rights information;

a multiplexing adjustor that rewrites rights information in the multiplexed signal to second rights information, and outputting a revised multiplexed signal;

wherein the revised multiplexed signal is output to a second receiving apparatus according to a request signal from the second receiving apparatus.

Swix reference teaches: a right manager that separates the rights information (see pg. 6, ¶ [0054]; pg. 7, ¶ [0063]) into first rights information and second rights information (see pg. 7, ¶ [0063], multimedia content item);

a multiplexing adjustor that rewrites rights information in the multiplexed signal to second rights information, and outputting a revised multiplexed signal (see pg. 7, ¶ [0062], second information signal);

wherein the revised multiplexed signal is output to a second receiving apparatus according to a request signal from the second receiving apparatus (see Swix pg. 3, ¶ [0024], "requesting that the digital multimedia content be delivered to the digital STB").

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota, Valenci and Blatter combination include the ability to separate the rights information, rewrite the rights information and output the revised signal base on a request for the multimedia content can ensure that proprietary and/or copyrighted material is protected as it is transmitted across the residential broadband data network. (see pg. 2, lines ¶[0021]).

With the respect to claim 36, Kubota, Valenci and Blatter combination doesn't explicitly teach a right manager that separates the rights information into first rights information and second rights information;

wherein the second rights information and multiplexed signal are output to a second receiving apparatus according to a request signal from the second receiving apparatus.

Swix reference teaches: a right manager that separates the rights information (see pg. 6, ¶ [0054]; pg. 7, ¶ [0063]) into first rights information and second rights information (see pg. 7, ¶ [0063], multimedia content item);

wherein the second rights information and multiplexed signal (see pg. 4, lines ¶ [0038]) are output to a second receiving apparatus (see pg 7, ¶ [0062], second information signal) according to a request signal from the second receiving apparatus (see Swix pg. 3, ¶ [0024], "requesting that the digital multimedia content be delivered to the digital STB").

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota, Valenci and Blatter combination include the ability to separate the rights information, rewrite the rights information and output the revised signal base on a request for the multimedia content can ensure that proprietary and/or copyrighted material is protected as it is transmitted across the residential broadband data network. (see pg. 2, lines ¶ [0021]).

With the respect to claim 37, Kubota, Valenci and Blatter combination doesn't explicitly teach wherein the rights manager that receives data indicating how the first encrypted data was processed by a second receiving apparatus, and sends status information describing processing by said receiving apparatus and the second receiving apparatus.

Art Unit: 2135

Swix reference teaches: wherein the rights manager that receives data (see pg. 7, ¶ [0063], multimedia content item usage indicator) indicating how the first encrypted data was processed by a second receiving apparatus (see pg. 6, ¶ [0054]) and sends status information describing processing by said receiving apparatus and the second receiving apparatus (see pg. 7, ¶ [0063], usage message).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota, Valenci and Blatter combination include the ability to separate the rights information, rewrite the rights information and output the revised signal base on a request for the multimedia content can ensure that proprietary and/or copyrighted material is protected as it is transmitted across the residential broadband data network. (see pg. 2, lines ¶ [0021]).

5. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota, Valenic and Blatter as applied to claim 29 above, and further in view of Utsumi et al., (U.S. Patent No. 6,999,947).

With the respect to claim 38, Kubota, Valenci and Blatter combination doesn't explicitly teach a converter that converts the first encrypted data to second encrypted data; and a remultiplexer that remultiplexes the second encrypted data with the second rights information.

Utsumi reference teaches: a converter that converts the first encrypted data to second encrypted data (see Fig. 1; col. 3, lines 26-35); and a remultiplexer that remultiplexes the second encrypted data with the second rights information (see Fig. 1, element 23; col. 7, lines 35-40).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have Kubota, Valenci and Blatter combination include the converting the encrypted data and transferring the encrypted data with the rights information for contributing to a protection of the copyright for the contents (see col. 1, lines 27-32).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Tran N. To whose telephone number is 571-272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BT
06/19/2007


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100